

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF NEW YORK  
 P.O. BOX - 7367  
 100 S. CLINTON STREET  
 SYRACUSE, NEW YORK 13261-7367

RE: CRICHLLOW V. ANKIVCC, ET. AL.  
 9:21-CV-0692 (DNH/TWD)

TO BOTH  
 HONORABLE (DAVID N. HURD) (TWD)

"DECLARATION  
 SUPPLEMENT  
 RESPONDED → BOTH  
 IFP STATUS & IMMINENT  
 DANGER; ALL  
 OTHER MOTIONS; & RULE  
 56 & MEMORANDUM OF LAW"  
 "PLAINTIFFS REQUESTED  
 A RECONSIDERATION  
 MOTION RULE 60(B)  
 UNDER NEW-DISCOVERED  
 EVIDENCE" &  
 "OBJECTIONS TO EVERY  
 PARAGRAPH - 1 TO END"

(1)  
 PLAINTIFFS MR. KEVIN D. CRICHLLOW, PURSUANT  
 TO 28 U.S.C. § 1746, DECLARES UNDER PENALTY OF  
 PERJURY UNDER THE LAWS OF THE UNITED  
 STATES OF AMERICA THAT THE FOREGOING IS  
 TRUE AND CORRECT: (2) IN ALL DISCLOSURES AT  
 DOCCS ADIRONDACK C.F. & STILL IM PN →  
 IMMINENT DANGER BY CONTAMINATED DRINK  
 & ALSO ALL BUILDING HAS CHRONIC MOLD & ASBESTOS  
 FIBROUS CARCINOGENIC SILICATE MINERAL USE →  
 FORMERLY "HEAT-RESISTANT MATERIALS" CAUSING  
 MY LUNGS TO CLOSE PN NOW I'M  
 (1) (SEE ATTACH) HAVING CHRONIC ASTHMA ATTACKS



IT'S CAUSE MY ALLERGIES SOBER DIFFICULT

IN BREATHING ; IM 1-MILE FROM MEDICAL

ON TOP OF HILL I CANT WALK THAT LONG TO

MEDICAL OR GO UP & DOWN STAIR ITS IN MY FOLIO

BY DEFENDANTS DR. A. ANDOLA (3) ; STILL A

YEARS LATER I STILL DONT HAVE HEALTH ALSO REASONABLE ACCOMMODATION DEVICE

CARE FOR MY CHRONIC ILLNESSES H.I.V.

BROKEN FACE OR JAW ROTTEN TOOTH

15 YEARS METAL ROD STILL POPPIN

OUT OF TOP PART OF HALL BOTH

BACK ; HIP DAMAGES ALSO BOTH

(4) KNEES STILL EVEN WHEN I

HAD A HOD HOLD I WAS

MOVE IN VIOLATIONS OF

(5) THOMAS V. TICE, 948, F.3D 133 U.S.

COURT OF APPEALS THIRD CIRCUIT (B)

(B) DEFENDANTS ARE NOT ENTITLED

(2) (SEE-ATTACH) TO QUALIFIED IMMUNITY



# UPON SUMMARY AFFIRMING THE DISTRICT COURT'S PERSONAL INVOLVEMENT ANALYSIS,

THE MAJORITY EXPLICITLY DECLINES TO DETERMINE  
WHETHER DEFENDANTS ARE ENTITLED TO  
QUALIFIED IMMUNITY ON "THOMAS'S" CONDITIONS  
CLAIMS BUT BECAUSE, AS EXPLAINED ABOVE, WE  
CANNOT DETERMINE AS A MATTER OF LAW THAT  
DEFENDANTS WERE NOT PERSONALLY INVOLVED  
IN THE CONDITIONS OF "THOMAS'S" DRY CELL, WE  
MUST ANSWER THIS QUALIFIED IMMUNITY  
QUESTION. IN SO DOING, OUR PRECEDENT DEMANDS  
THAT WE RESOLVE THIS ISSUE IN THOMAS'S FAVOR.  
AS THE MAJORITY NOTE, QUALIFIED IMMUNITY  
DOES NOT SHIELD A GOVERNMENT OFFICIAL WHERE  
SHE HAS "VIOLATED" A STATUTORY OR CONSTITUTIONAL  
RIGHT THAT WAS CLEARLY ESTABLISHED AT THE  
TIME OF THE CHALLENGED CONDUCT." REICHEL V.  
HOWARD, 566 U.S. 658, 664, 132 S. CT. 2088, 182  
L. ED. 2D 985 (2012) (CITATIONS OMITTED) AS I VIEW IT,  
PRECEDENT FROM OUR COURT AND THE SUPREME  
COURT CLEARLY ESTABLISHES THAT THE CONDITIONS "THOMAS'S"  
FOCUSED IN THE DRY CELL TAKEN TOGETHER VIOLATE  
THE EIGHTH AMENDMENT. SEE RHODES, 452 U.S.

AT 347. 101 S. CT. 2392 →

(3) (SEE ATTACH)



Conditions That Constitute or Constitute

"ALONE, OR IN COMBINATION, MAY DEPRIVE INMATES OF THE MINIMAL CIVILIZED MEASURE OF LIFE, → NECESSITIES" MOST DIRECTLY APPLICABLE IS OUR DECISION IN YOUNG V. QUINLAN, 960 F.2d 351 (3d Cir. 1992). THERE, KENNETH YOUNG A FEDERAL INMATE, WAS PLACED IN THE DRY CELL ~~FOR~~ ~~29~~ ~~HOURS~~ ~~LIKE~~ ~~"THOMAS"~~ ~~#146~~ ~~FOR~~ ~~96~~ ~~HOURS~~. SEE ID AT 355 DURING THIS CONFINEMENT, YOUNG WAS NOT ALLOWED TO WASH HIS HAND BEFORE EATING NOR PROVIDED WITH TOILET PAPER UPON DEFECATING SEE ID MOREOVER. DURING THE FIRST 29 HOURS OF HIS CONFINEMENT IN THE DRY CELL, YOUNG WAS DENIED PERMISSION TO LEAVE THE DRY CELL TO URINATE OR DEFECATE; THIS RELIEVED HIMSELF IN A CORNER OF HIS CELL. SEE ID: AFTER THE LOWER COURT GRANTED SUMMARY JUDGMENT FOR THE DEFENDANT PRISON OFFICIALS, WE REVERSED SEE ID AT 353. IN RELEVANT PART, WE HELD THAT THE TOTALITY OF CONDITIONS IN THE INMATE'S CONFINEMENT IN THE DRY CELL VIOLATED THE EIGHTH AMENDMENT SEE ID AT 365. IN PARTICULAR WE REASONED: [WE] CANNOT CONDONE DEHUMANIZING TREATMENT SUCH AS WAS ALLEGEDLY GIVEN YOUNG BY [ ] →

(4) (SEE-ATTACH)



PRISON OFFICIALS CONFINE HIM TO THE DAY CELL RILEY V. JEFFES 777

F.2d 143, 148 (3d Cir. 1985) (WHERE PLAINTIFF  
COMPLAINT ALLEGES FACTS WHICH, IF PROVEN WOULD  
ENTITLE PLAINTIFF TO RELIEF UNDER THE  
EIGHTH AMENDMENT DISMISSAL OF COMPLAINT  
WAS INAPPROPRIATE). EVEN IF YOUNG WAS  
PROPERLY CONFINED TO THE DAY CELL,  
[PRISON] OFFICIALS DO NOT HAVE A LICENSE  
TO IMPOSE UNCONSTITUTIONAL CONDITIONS UPON  
HIM. SEE I ALYRAHAM V. WRIGHT, 430 U.S.  
651, 667 [97 S.Ct. 1401, 51 L.Ed 711] [1977] →  
(EIGHTH AMENDMENT PROSCRIBES PUNISHMENT  
GROSSLY DISPROPORTIONATE TO THE SEVERITY  
OF THE CRIME). SAMPLE V. DECKS,  
885 F.2d 1099, 1108 (3d Cir. 1989); UNITED V.  
STATES V. MARTORANO, 866 F.2d 62, 69  
(3d Cir. 1989) (6) PLAINTIFF ARGUMENT THAT  
COMBINATIONS, OF TORTURE & ILL TREATMENT  
BY PRISON GUARDS & RACIALLY MOTIVATED  
(5) (SEE-ATTACH)



RETALIATION ; REVENGE FROM PRISON1983 - CIVIL RIGHTS ACTIONS "CRITCHLOW V. FOSHOLMET. AL. 12-CV-7774 (MSR) (AETK) STILL PENDINGUNDER CRITCHLOW V. DR. ELLEN FOSSETT ET. AL DKT. NO. 12-CV-7774AND PATTERNED OF DISCRIMINATIONS BASIC ONWH SEVERAL HANDICAPPS, (1) HL-10 DEAF LEFT EAR & HL-20 HARD OF HEARING IN RIGHT EAR (2) METALROD POPPING OUT TOP PART OF DOMANT HAND ; (3) THUMB IS HALF DEAD FROM WOUNDFUL OPERATIONSBY DEFENDANT, DR. KEVIN(S) UNBEARABLE PAINFULWHOLE HAND FINGER ; ARM WEAKENED ; DEFORMED(4) BOTH EYES GOT CHRONIC BLURRED VISIONS ; SEEING BLACK SPOT IN AIR ALSO CHRONIC HEADACHES ;THIS EYES DISABILITY CAUSE ME TO SUFFER SEVEREEYE PAIN ; AND SENSITIVITY TO LIGHT ; CHRONICPAINTFUL IN BOTH EYES, CAUSE "POTENTIALIZED EXPOSURE TOALL LIGHT, & SUNLIGHT IS BLINDING ; VERY HURTFUL.& 15 MONTHS S. H.U. OR R.R.U. I BECK ASK FORREASONABLE ACCOMMODATION DARK GLASS SEEING GLASS VERYDARK ; NIGHT LAMP ; TO TURN OFF LIGHT IN CELLTHAT ON 24 HR A DAY 365 DAYS YEARS I CAN(6) (SEE-ATTACH) TELL DAY TIME FROM NIGHT TIME



LIGHT IS SO BRIGHT IT CAUSE →  
 DISORIENT ; VERY CONFUSING DOCCS AT  
 ALL SHV REFUSED TO DIM OVER HEAD LIGHT ;  
 I ALSO GET DOUBLEVISION, (5) BOTH KNEE, ; FEET  
 (6) NEED DEVICES TO MOVE AROUND ; CAUSE BONES IN  
 THUMB BACK IS OUT OF PLACE ; RIGHT HIP ALL OF  
 ABOVE INTERFER WITH MY DAILY MOVEMENT ; ACTIVITY  
 ALSO DOCCS 7 FABRICATION MISBEHAVIOR REPORTS  
 BY DEFENDANTS THAT WRONGFUL CONFINEMENT  
 WAS ALL OVER TURN SEE EXHIBITS (A) (3 ADMINISTRATIVELY  
 REVERSED ON MAY 16, 2022 (1) REPORTS BY DEFENDANTS C.O.  
 MCGILL INCIDENT OF 5.19.2021 OWNING RESTITUTION  
 \$165.99 + \$15.00 FOR 3 MISBEHAVIOR REPORT BEING REVERSED  
 AS RELIEF AS \$37,000. ~~RESTITUTION~~ FOR CIVIL RIGHT ~~VIOLATION~~  
 VIOLATIONS OF THE EIGHTH ; FOURTEENTH AMENDMENT  
 TO U.S. CONSTITUTION "PROHIBITS CRUEL ; UNUSUAL PUNISHMENT"  
 SEE # 319 F. SUPP. 2D 162 KANE V. WILSON (D. MASS.  
 2004) AT A. THE EIGHTH ; FOURTEENTH AMENDMENT SEE #  
 ROBINSON V. CALIFORNIA, 370 U.S. 660, 666, 82 S. CT  
 1417, 8 L. ED. 2D 758 (1962) THE EIGHTH AMENDMENT  
 HAS LONG BEEN UNDERSTOOD TO PROHIBIT PHYSICAL  
 TORTURE, ALTHOUGH DEFINITION OF "TORTURE"  
 (7) SEE-ATTACH



THE OBVIOUSLY CONTESTED. REE, ESTELLE  
V. GAMBLE, 429 U.S. 97, 102 97 S.Ct. 285, 50 L.Ed.  
2d. 251 (CITING WILKERSON V. UTAH, 99 U.S. 130, 136, 25,  
L.Ed 345 (1878), AND IN RE KEMMLER, 136 U.S. 436 447,  
10. S.Ct 930, 34, L.Ed 519 (1890)). (FL43) IT DOES MORE THAN  
THIS HOWEVER; IT "EMBODIES BROAD AND IDEALISTIC CONCEPTS  
OF DIGNITY, CIVILIZED STANDARDS, HUMANITY AND DECENTY  
"... AGAINST WHICH WE MUST EVALUATE PENAL MEASURES";  
id (ALTERATIONS IN ORIGINAL) (QUOTING JACKSON V. BISHOP,  
404 F.2d 571, 579 (8TH CIR. 1968)). IT THEREFORE PROHIBITS  
PUNISHMENTS THAT ARE INCOMPATIBLE WITH "THE EVOLVING →  
STANDARDS OF DECENTY THAT MARK THE PROGRESS OF A  
MATURING SOCIETY," TROP V. DULLES, 356 U.S. 86, 101, 78  
S.Ct. 596, 2 L.Ed.2d 630 (1958), (FL44) OR THAT "INVOLVE  
THE UNNECESSARY AND WANTON INFLICTION OF PAIN," →  
GREGG V. GEORGIA, 428 U.S. 153, 173, 96 S.Ct. 2009, 49  
L.Ed.2d 859 (1976) (OPINION OF STEWART, POWELL, & STEVENS)).  
THE SUPREME COURT HAS THUS HELD THAT THE AUTHORITY  
ADMINISTERING A PRISON MUST PROVIDE ADEQUATE  
MEDICAL CARE TO INMATE. GAMBLE, 429 U.S. AT 103 97  
S.Ct. 285 THUS. "DELIBERATE INDIFFERENCE TO THE SERIOUS  
MEDICAL NEEDS OF PRISONERS" VIOLATES "CONTEMPORARY  
STANDARDS OF DECENTY AS MANIFESTED IN MODERN  
LEGISLATION." WHICH PROHIBIT THE "INFLICTION OF...  
UNNECESSARY SUFFERING" THAT DENIAL  
OF ADEQUATE MEDICAL CARE WOULD ENTAIL.  
(X) (SEE ATTACH)



id. at 102-04 (44) 89, 92 S.Ct. 285 (Describing

THE CONFIRMATIONS OF THIS PRINCIPLE IN COMMON LAW, STATUTES AND MODEL STATUTES). [22] THE "DELIBERATE INDIFFERENCE" STANDARD APPLIES MORE BROADLY TO ACTIONS OR OMISSION THAT CREATE "A SUBSTANTIAL RISK OF SERIOUS HARM TO AN INMATE," FARMER V. BRENNAN, 511 U.S. 825, 828, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994); SEE HELLING V. MCKINNEY, 509 U.S. 25, 32-33, 113 S.Ct. 2475, 125 L.Ed.2d 22 (1993) (HOLDING THAT THE DELIBERATE INDIFFERENCE STANDARD APPLIES [REDACTED] TO UNHEALTHY PRISON CONDITIONS, EVEN IF THEY HAVE NOT YET CAUSED HARM); WILSON V. SEITZ, 501 U.S. 294, 303, 111 S.Ct. 2321, 115 L.Ed.2d 271 (1991) (HOLDING THAT THE "DELIBERATE INDIFFERENCE" STANDARD APPLIES EQUALLY TO "INHUMANE CONDITIONS OF CONFINEMENT AND INADEQUATE MEDICAL CARE"); RHODES V. CHAPMAN, 452 U.S. 337, 347, 101, S.Ct. 2392, 69 L.Ed.2d 59 (1981) ("CONDITIONS OTHER THAN THOSE IN CAMBLE AND HUTTO V. FILLWEY, 437 U.S. 678, 98 S.Ct. 2565, 57 L.Ed.2d 522 (1978) 1. ALONE OR IN COMBINATION... COULD BE CRUEL AND UNUSUAL UNDER THE CONTEMPORARY STANDARDS OF DECENCY WE RECOGNIZED IN CAMBLE." (CITATION OMITTED)). AS THE SUPREME COURT STATED IN DESHANEY V. WINNEBAGO COUNTY DEPARTMENT OF SOCIAL SERVICES, 489, U.S. 91 SEB ATTACH 189, 109 S.Ct. 998, 103 L.Ed.2d 249 (1989):



WHEN THE STATE TAKE A PERSON INTO ITS CUSTODY AND HOLD HIM THERE AGAINST HIS WILL, THE CONSTITUTION IMPOSES UPON IT A CORRESPONDING DUTY TO ASSUME SOME RESPONSIBILITY FOR HIS SAFETY AND WELL-BEING... THE RATIONALE FOR THIS PRINCIPLE IS SIMPLE ENOUGH: WHEN THE STATE BY THE AFFIRMATIVE → EXERCISE OF ITS POWER SO RESTRAINS AN INDIVIDUAL'S LIBERTY THAT IT RENDER, HIM UNABLE TO CARE FOR HIMSELF, AND AT THE SAME TIME FAILS TO PROVIDE FOR HIS \*195 BASIC HUMAN NEEDS --- E.G., FOOD, CLOTHING, SHELTER, MEDICAL CARE, AND REASONABLE SAFETY -- IT TRANSGRESSES THE SUBSTANTIVE LIMITS SET ON STATE ACTION SET BY THE EIGHTH AMENDMENT & THE DUE PROCESS CLAUSE.  
id AT 199-200, 109 S.C.T. 998

- (7) PLAINTIFFS' ARGUMENT I HAS PROOF OF PATTERNED OF THE INTRACORPORATE → CONSPIRACY DOCTRINE CLAIMS THAT ALL DEFENDANTS CONSPIRED TO RETALIATE AGAINST PLAINTIFF FROM PRIOR GRIEVANCES; CIVIL RIGHTS ACTION THAT HAD SEVERAL DEFENDANTS REMOVE FROM PRISON POSTS; A PATTERNING OF FABRICATED "FALSE MISBEHAVIOR REPORTS THAT LEAD "TORTURE" OVER 509 DAYS OR 16 MONTHS OF SUFFERED AN ATYPICAL & SIGNIFICANT HARDSHIP & SUFFICIENT TO IMPLICATE A LIBERTY INTEREST I TRY TO KILL MYSELF SEVERAL TIME AT EASTERN-C.F. & SOUTHPORT.C.F. DOWNSTATE-C.F.
- (10) (SEE-ATTACH)



(8) Gouverneur. C. F. ; Adirondack. C.F Cause  
 OF HAVING COVID-19 - 3 TIME WITH NO  
 HEALTH CARES AT ALL ; DOCCS AT ALL ABOVE  
 PRISONS COVER UP COVID-19 KILLING ; ILLNESSES  
 ON SAME LEVEL AS "THE NURSE-ING HOME  
DEATH." I STILL DON'T GET HEALTH CARE  
 16 MONTHS LATER SINCE BEING WRONGFUL  
 CONFINEMENTS TO SHU. SEXUAL ASSAULTED AT  
 SEVERAL DOCCS PRISONS ASSAULT ; ASSAULT  
 WITH MACE, DENY ALL DUE PROCESS AT ALL  
 DOCCS HEARINGS <sup>7</sup> BY SAME DEFENDANTS SEE AMEND  
 COMPLAINT. AT 49) 57) 60) 61-63) 67) 68)

(9) SEE-EXHIBITS A) B) C) ALL OTHE DUE PROCESS →  
 HEARINGS SINCE 4.19.21 - 7.11.21 NO REASONABLE  
 ACCOMMODATIONS SEE LETTER FROM PLS TO DOCCS  
 ALSO ALL HEARING FROM EASTERN NY. C.F. WAS  
 "ADMINISTRATIVELY REVERSED ON MAY. 16-22  
 3 OF THEM. ALSO HAS PROOF THAT ON 4.16.2021  
 "STATE OF NEW YORK DOCCS RESTRICTIVE/EXTENS  
 IED RESTRICTIVE HOUSING CUSTODY REVIEW"  
 SHOWS PROOF AT "DATE PLACED IN RESTRICTIVE  
 EXTENDED RESTRICTIVE HOUSING 4/16/2021  
 NEXT TO IT IS DATE OF HEARING 4/19/2021  
 IS THE DATE I WENT TO SHU 1ST FLOOR  
 B-SIDE 18 CELL. IT 4 OF ABOVE PAGES EXHIBITS  
 (A) PLAINTIFFS ESTABLISH THAT IN MAY. 11.21  
 THE COMMENCED THIS ACTION 1983 UNDER →

(11) (SEE-ATTACH)



10)

IMMINENT DANGER SEE FOGLE v. PIERSON.

NO. 05-CV-01211-MSK-CBS; 2008 U.S. DIST. LEXIS

24543, AT \*9 (D. COLO. MAR. 28, 2008) (UNPUBLISHED)  
(INCARCERATED PERSON COMPLAINING OF INJURY  
FROM PROTECTED SEGREGATION COULD SEEK  
DAMAGES BOTH FOR DUE PROCESS CLAIM FOR  
SEGREGATION PLACEMENT; CLAIM OF DENIAL  
OF ACCESS TO COURT WITH ARGUABLY PRO-LONGED  
THE CONFINEMENT); "COMPARE" LINER v. GOOD,  
196 F.3d 132, 135 (2d Cir. 1999) (Holding ALLEGED  
SEXUAL ASSAULTS "QUALIFY AS PHYSICAL INJURIES  
AS A MATTER OF COMMON SENSE," WITHOUT MUCH  
EXPLANATION, ALSO DOE v. UNITED STATES, NO.  
12-00640 ACK-RLP, 2014) (Holding THAT COMMON  
SENSE AND PUBLIC POLICY DICTATES THAT DOE  
SHOULD BE ABLE TO PURSUE MENTAL AND EMOTIONAL  
INJURY CLAIMS, ARISING OUT OF [A] SEXUAL ASSAULT"  
DESPITE THE ABSENCE OF PHYSICAL FORCE OR  
PHYSICAL INJURY")

(11) PLAINTIFFS ARGUMENTS THAT WITH COMBINATIONS  
WITH OTHER OUTPOOLED ABUSE; PATTERNING OF  
DENY ALL OF MY HEALTH CARES REPORTS FROM OUT  
SIDE DOCTOR, OR SPECIALISTS & ALL RECOMMENDED WAS  
ALTER BY DOCS DOCTOR OR NIP. AT ALL PRISONS  
"SEE EXHIBITS (C) AT (7-8-9) SEE PAGES (19) AT (A)  
"MANY PATIENTS HAVE NOT RECEIVED REASSESSMENT  
OR TREATMENT 19-20" (B) DOCS IS STILL  
DISCONTINUING EFFECTIVE TREATMENT AS A  
12 (SEE-ATTACH) PRODUCT OF TRANSFERS OR NON-  
MEDICAL REASONS"



(2) NOW SEE PAGES 24-24) PLAINTIFF ARGUES THAT I BEEN WRONGFUL CONFINED; WRONGFUL TRANSFERS AND WOULD LIKE AS SOME RELIEFS TO BE TRANSFERS BACK DOWN BY NEW YORK CITY PRISON like Sing-Sing, C.F. ~~CAUSE~~ CAUSE THEY ONLY MAX IN STATE THAT GOT VARI SERVICE FOR PRISONERS WITH CARE TO MOVE AROUND JAIL, OR "SHAWANJUNK C.F. CAUSE IT FLAT PRISON NO STAIR OR "HEAVILY RECONSTITUTED UNIT FOR THE PHYSICALLY DISABLED "CUPD)" SEE EXHIBITS (B) ALSO

(3) SEE Amended-Complaint AT (20-25) (29-31-41-46) 50-56) 64-81) 83-99)

(4) BROWN V. TOLSON, 387 F.3d 1344 (11th Cir. 2008) (HOLDING THAT INCARCERATED PERSON FACED IMMINENT DANGER WHEN THE PRISON'S MEDICAL STAFFS STOPPED TREATING ~~THE~~ HIS HIV; HEPATITIS, AND HIS MEDICAL CONDITIONS DECLINED),  
O'CONNOR V. BACKMAN, 743 F. App'x 373, 376 (11th Cir. 2018) (PER CURIAM) (UNPUBLISHED) (HOLDING OPENING GASTROINTESTINAL ISSUES INVOLVING "SEVERE CRAMPING, CAUSING HIM TO CURL UP IN THE FETAL POSITION WITH CLENCHED FISTS; TEETH AND FORCING HIM TO CRAWL TO AND FROM THE TOILETS, BLOOD STOOL, ACID REFLUX; HEARTBURN, AND SIGNIFICANT WEIGHT LOSS, RESULTING IN A WEIGHT OF 137 POUND ON HIS SIX-FOOT TALL FRAME" SATISFIED THE IMMINENT DANGER REQUIREMENT,

(5) SEE ATTACH



5) SEE AMENDED COMPLAINT AT (83-92) AS DOES ALLEGATION OF A TWO-YEAR DELAY IN SURGERY

FOR GALLSTONE THAT "COULD LEAD TO AN INFECTION OF HIS GALLBLADDER, THE ERUPTION OF WHICH LIKE APPENDICITIS, COULD BE FATAL") REBERGER V. KOHN, 683 F. App'x 602, 607 (9TH CIR. 2017) (UNPUBLISHED) (HOLDING PLAINTIFFS PLAUSIBLY ALLEGED → IMMINENT DANGER "BECAUSE DEFENDANTS CONTINUE TO REFUSE TO GIVE HIM HIS HIV & SEIZURE MEDICATIONS REGULARLY") STINE V. OLIVER, 644 F. App'x 857, 859 (10TH CIR. 2016) (UNPUBLISHED) (HOLDING ALLEGATIONS OF FAILURE TO PROVIDE DENTAL CARE FOR INFECTED & ABSCESSSED TEETH SHOWED IMMINENT DANGER); ~~AT (16)~~

AMEND COMPLAINT AT (3)(6-12)(18) 22(29)(71) 75-81(86)

TIERNEY V. UNKNOWN DENTIST, 596 F. App'x 576, 577 (9TH CIR. 2015) (UNPUBLISHED) (HOLDING PLAINTIFFS ALLEGATION OF "EXTREME AND CONTINUING PAIN, INABILITY TO SLEEP, AND INFECTION OF HIS GUMS" SUFFICIENTLY ALLEGED IMMINENT DANGER NOTWITHSTANDING OFFER OF TOOTH EXTRACTIONS) MCALPIN V. TONEY, 281 F.3d 709, 710-711 (8TH CIR. 2002) (HOLDING ALLEGATIONS OF A SPREADING MOUTH INFECTION AND A NEED FOR TOOTH EXTRACTIONS SHOWED IMMINENT DANGER)

MCALPIN V. CORRECT CARE SOLS, L.L.C. NO. 2:17-CV-00093-KGB-JTK, 2018 U.S. DIST. LEXIS 65169 AT \*2 (N.D. CAL. MAY. 29. 2014) (UNPUBLISHED) (HOLDING ALLEGATIONS OF "SEVERE") (SEE ATTACH)



"PERIODONTITIS" COULD SATISFY STANDARD.)

(17) PLAINTIFF ARGUMENT I HAD BEEN DIAGNOSED  
SINCE 2008 WITH "CHRONIC PERIODONTAL DISEASE"  
DKT. 22-3 PAGES 30 OF 47) DOCCS AT ALL PRISONS,  
REFUSED TO TREAT OR GIVE TEMPORARILY →  
RELIEVE PAIN, PLAINTIFFS REQUEST A FACE-  
TO-FACE WITH BOTH HONORABLE CDLH/TWD  
OF "PHYSICAL OR MENTAL EXAMINATION  
UNDER FEDERAL RULE OF CIVIL PROCEDURE (35)  
(18)

THE 15 YEARS SIDE-EFFECT OF CHRONIC PERIODONTAL  
 GUM DISEASE ARE ROTTEN TOOTHs GUM EAT AWAY  
 FROM TOOTH ALL THE WAY TO TOP OF ROOTS ITS  
 ALWAYS UNBEARABLE PAINFULNESS & GUM BLEED EVERY  
 NIGHT I WAKE UP WITH BOTH DUS & BLOOD FULLY IN  
 MOUTH & CAN'T DRINK COLD WATER THAT RUSTING OR  
 NOT IT HURT I HAVE HAVE HALF FINGER GROWING  
 IN BACK OF MY MOUTH BY MY THROAT IT "VERY OBVIOUS"  
 & VERY PAINFUL MENSHINE & REPEATED INFECTIONS IN  
 BOTH FACE & JAW SORE & BONES ARE SO WEAKED THAT MY  
 FACE HAS BEEN BROKE TWO TIME AND NEVER BEEN  
 FIXE BY DOCCS & MY RIGHT SIDE OF FACE IS DOTS  
 ALWAYS HAS PAINFULNESS. DOCCS ALL THEY WENT TO

(19)

DO CLEANING MY ROTTEN TOOTHs WITHIN THEY ALL HAVE  
 TO BE REMOVED & REPLACE THIS IS HOW THEY SAVE  
 MONEY & DELAY HEALTH CARE AT SAME TIME  
 SEE EXHIBITS (BXC) THE AMOUNDED COMPLAINT

15 (SEE ATTACH)



20) PLAINTIFFS' ARGUMENT ON A MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6)

FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED, THE COURT MUST ACCEPT THE FACTUAL ALLEGATIONS OF THE MOVING PARTY AS TRUE AND DRAW ALL REASONABLE INFERENCE IN ITS FAVOR. SEE ASPEX EXERCISE. INC. V. CLANT EXERCISE. INC., NO. 07 CIV. 2373 (DC), 2008 WL 219765, AT \*1 (S. DIST. CT. JANUARY 24, 2008) (CITING BERNHEIM V. LITT, 79 F.3d 318, 321 (2d CIR. 1996) AT THE PLEADING STAGE, THE ISSUE IS NOT WHETHER A PLAINTIFF IS LIKELY TO PREVAIL ~~AND~~ ULTIMATELY BUT WHETHER THE PLEADING ALLEGES ENOUGH FACTS TO STATE A CLAIM FOR RELIEF THAT IS PLAUSIBLE ON ITS FACE. PATRIE V. CLARK 508 F.3d 106, 111-12 (2d CIR. 2007) (QUOTING BELL ATL. CORP., 127 S. CT. AT 1974).

UNDER THESE PRINCIPLES, DEFENDANTS' MOTION TO DISMISS THE AMEND-COMPLAINT SHOULD BE DENIED

(21) IN EASTERN C.F., SOUTHPORT C.F., DOWNSTATE C.F., GOWER C.F. & ADKINS C.F. & PRIOR PRISONS, MR. CRICHTON'S HEALTH AND PERSONAL SAFETY WAS COMPROMISED HE EXPERIENCED UNSANITARY & UNHYGIENIC CONDITIONS THAT POSED AN EXCESSIVE RISK TO MY HEALTH. IN EASTERN C.F. WAS "ROUTINELY DEPRIVED OF BASIC HYGIENE ITEMS SUCH  
/16) SEE-ATTACH



FOOTWEAR, SOAP, DETERGENT, TOILET PAPER, AND  
 BLANKETS, <sup>NO</sup> WATER MEDICAL & NO CLOTHING  
 & NO LINENS "ONLY WAS PERMITTED TO SHOWER  
 ONCE A WEEK DUE TO EXTREME FREEZING, NO HEATING  
 SYSTEM, AMONG COMPLAINT AT (41-42) 21-24) (39F)  
 (41-42) 50) "ONLY WAS PERMITTED TO SHOWER ABOUT SIX  
 OCCASIONS, AND WENT 87 DAYS WITH NO CLOTHING  
 & LINENS WERE NEVER LAUNDERED," PLAINTIFFS  
 WAS AGAIN DEPRIVED OF BASIC HEALTH & HYGIENE  
 ITEMS DUE TO DELAY BY COMMISSIONARY FROM 2013 -  
 2022 MARCH: AS WELL AS CONSISTENT LAUNDRY  
 SERVICES, AT EASTERN C. F. THE OVERCROWDED &  
 UNSANITARY LIVING CONDITIONS WAS FURTHER COMPOUNDED  
 BY RODENT & INSECT INFESTATION. WHERE, AS HERE,

PLAINTIFF HAS ALLEGED SUCH PERVERSIVE UNHYGIENIC  
 CONDITIONS, AN EIGHTH AMENDMENT VIOLATION IS  
 ESTABLISHED, SEE E.G. FLOURNEY V. SHEAHAN, 1994  
 WL 605584 AT \*5 (L.D. 111. NOV. 2. 1994) (FINDING  
 THAT PRISONER ALLEGED LACK OF CLEANING SUPPLIES,  
 SUBSTANDARD MAINTENANCE, FILTHY CONDITIONS,  
 FAILURE TO CONTROL THE RODENT AND INSECT  
 POPULATION, FAILURE TO PROVIDE MORE THAN ONE  
 ROLL OF TOILET PAPER PER WEEK, AND PRACTICE  
 OF PROVIDING CLOTHING AND LINEN CHANGES AS  
 LITTLE AS ONCE PER MONTH "HAVE THE AGGREGATE  
 EFFECT OF DELAYING [PLAINTIFF] THE BASIC  
 HUMAN NECESSITY OF A MINIMALLY HYGIENIC  
 LIVING SPACE" AND THESE UNSANITARY  
 (7) (SEE ATTACH) CONDITIONS FALL BELOW THE



MINIMUM REQUIRED BY THE CONSTITUTION).  
 PLAINTIFFS SHOULD BE AFFORDED THE OPPORTUN-  
 ITY TO CONDUCT SOME DISCOVERY. ~~BECAUSE~~ MR.  
 CRICHTON HAS ALLEGED SUFFICIENTLY SERIOUS DEPRIVATIONS,  
 HE SHOULD BE AFFORDED THE OPPORTUNITY TO  
 FURTHER DEVELOP THE FACTUAL RECORD.

(22) PLAINTIFFS ALLEGATIONS THAT HE RECEIVED  
 INADEQUATE MEDICAL CARE FOLLOWING STAFFS  
 ON ~~INMATE~~ SEXUAL-ASSAULT & ASSAULTS ON &  
 PRISONERS BY STAFFS (AM-Compl AT 66-68) & 75-  
 82) ; THEN RAIL ROAD WITH SERIES OF FABRICATION-  
 MISBEHAVIOR REPORTS EXHIBITS (A) WRONGFUL  
 CONFINEMENTS "DAMAGES FOR WRONGFUL  
 CONFINEMENT SEE TAYLOR V. STATE OF NEW YORK  
 191 A.D. 3d 915 (2ND DEPT. 2021) PLAINTIFFS  
 WANT SAME RELIEFS \$37,000 TO GO TO MY  
 LAWYER OF MY CHOICE FOR MY CRIMINAL  
 CASES, ALSO DEFENDANTS VIOLATION SEE →

KALLE V. WILKIN, (D. MASS. 2004) 319 F. SUPP. 2d 162. AT (A) THE EIGHTH AND FOURTEENTH AMEND-  
 MENTS. ROBINSON V. CALIFORNIA, 370 U.S.  
 660, 666, 82 S. CT 1417, 4 L. ED. 2d 758  
 (1962) THE EIGHTH AMENDMENT HAS LONG BEEN  
 \*194 UNDERSTOOD TO PROHIBIT PHYSICAL  
 TORTURE, ALTHOUGH DEFINITION OF  
 "TORTURE" ARE OBVIOUSLY CONTESTED.  
 SEE ESTELLE V. GAMBLE 429, U.S. 97  
 102 97 S. CT 285, 50 L. ED. 2d 251

#8) (SEE-ATTACH)



Plaintiff's Argument That Defendants Violated Due  
 (23) SO DUE PROCESS HEARING; DEFENDANTS AT

EASTERN.C. F. KWEI THEY WAS IN VIOLATIONS OF TWO FEDERAL LAWS; BEEN DOING SO FOR A PATTERNEED OF YEARS FOR DENYING PLAINTIFFS REASONABLE ACCOMMODATIONS AT DUE PROCESS; OTHER PROGRAMS AREA; BY NOT ISSUING HIS LIFE-SUSTAINING MEDS FOR HIS H.I.V.; BOOST Amend-Complaint AT (23)(26-27)(31-33)(36-40)(45)(50-52)(57)(59)(62-64)(72)(74-84)

(24) PLAINTIFFS POINTS TO CASES LAWS TO SHOW RELIEFS HARRIS V. THIGPEN, 941 F.2d 1495, 1508, (11th CIR. 1991) (8) SEE SMITH V. CARPENTER, 316 F.3d 178 (2nd CIR. 2003) (TURY WAS FREE TO CONSIDER ABSENCE OF CONCRETE MEDICAL INJURY TO PRISONERS AS RELEVANT FACTOR IN DETERMINING WHETHER ALLEGED DEPRIVATION OF HIS H.I.V. MEDICATION FOR SEVERAL DAYS ON TWO OCCASIONS WAS SUFFICIENTLY SERIOUS TO IMPLICATE DELIBERATE INDIFFERENCE), SEE GATES V FORDICE 1999 WL 33537206 (N.D. MISS. 1999) (GRANTING → PRELIMINARY INJUNCTION ORDERING THAT THE ~~NIA~~ NIA GUIDELINES BE FOLLOWED UNLESS THERE WAS GOOD REASON IN AN INDIVIDUAL CASE NOT TO DO SO) SEE E.G. GOMEZ V. U.S., 899 F.2d 1124 (11th CIR. 1990) ALEXA FREEMAN, NATIONAL LAWYERS GUILD AID NETWORK, AIDS AND PRISONS, IN AIDS PRACTICE MANUAL: A LEGAL AND (19) (SEE ATTACH) EDUCATIONAL GUIDE 314.5 →



CHANCELLER - ET AL v. PAUL V. BLANCHETTE, 144 F. Supp. 3d 282 (D. Conn. 2015) (

FINDING THAT NOT REINSTATING PLAINTIFFS AIDS/HIV MEDICATION AFTER AN INTERRUPTION, ONCE HIS VIRAL LOAD INCREASED TO A DANGEROUS LEVEL, MADE HIM SUSCEPTIBLE TO DISEASES & INFECTIONS, & CAUSED NEGATIVE PHYSICAL SIDE EFFECTS, IS SUFFICIENT TO SHOW A GENUINE ISSUE OF FACT AS TO CLAIM OF DELIBERATE-INDIFFERENCE) "NOLLEY V. COUNTY OF ERIE, 776 F. Supp 715 (W.D.N.Y. 1991)

“(25) UNDER A.D.A (10) UNDER THIS GUIDANCE OF “YESKEY V. GEORGIA” COURT HAVE CONSISTENTLY EXTENDED THE PROTECTION OF TITLE II OF THE A.D.A. TO DISABLED PRISONER, INCLUDING WITH AIDS OR HIV” (11) IN DOING SO, THE COURT HAVE EXPLAINED THAT PRISONER “HAVE THE SAME INTEREST IN ACCESS TO THE PROGRAMS, SERVICES, AND ACTIVITIES AVAILABLE TO THE OTHER INMATE OF THEIR PRISONS AS DISABLED PEOPLE ON THE OUTSIDE HAVE TO THE COUNTERPART PROGRAMS, SERVICES, & ACTIVITIES AVAILABLE FREE PEOPLE” (12) SEE # (1) RIGHTS OF PRISONER § 4:27 (STED) SEPT 2020 UPDATE (CH-4) 8TH AMENDMENT MEDICAL CARE (F) LIABILITIES ACT, 200.

(26) PLAINTIFFS ARGUE THAT BY HIM BEING “CHRONIC” H.I.V-POSITIVE VERY WEAK & IMMUNE SYSTEM & OTHER CHRONIC ILLNESSES 201 (SEE ATTACH)



AND WITH OTHER DISABILITIES AND  
BECAUSE MY HIV INFECTIONS ; OTHER ILLNESS

CAUSE CHRONIC ; UNBENEFITABLE PAINFUL SUBSTANTIALLY LIMITED MY ABILITY TO MOVE AROUND ; SIT OR STAND OR WALK AROUND OR LONG DISTANCE WITHOUT FALLING. DOCS REFUSED TO DECIDE BECAUSE THEY JUST WANT ALL THE FEDERAL FUNDING FOR THE GHOST PROGRAMS THAT FALSE ; DISABILITY PRISONER ARE FORCE TO PROGRAMS, I ALWAYS REFUSED CAUSE PRIOR SENTENCE ON DOCS RECORD THAT I CAN'T PROGRAMS DOCS DISCRIMINATED AGAINST ME FOR 15 YEARS ; ALWAYS IDENTIFY FALSE MISBEHAVIOR REPORTS CAUSE THEY JUST AFTER ALL ENRICHMENT ; POLICY TELL DOCTOR THAT EVERYBODY GOT TO PROGRAMS EVEN → HANDICAPP

(27) ON THE OUT-SIDE I GET S.S.I.A OR SSDA OR PUBLIC ASSISTANT ; I DON'T WORK, BUT DOCS TELL ~~ALL~~ ALL HANDICAPPS PROGRAM OR YOU'LL DON'T GO HOME ON YOUR C.R. DATE THEY SAY THEY KEEP YOU'LL INTO YOU'LL MAX-OUT. 29 U.S.C § 705 (20)(D)

DOE V. COUGHN 71 N.Y.2d 486, 518 N.E.2d 536, 544, 523, N.Y.S.2d 782, 790, (1987) (REVIEWING SPECIFIC PROGRAM REQUIREMENT BEFORE DECIDING THAT ALL

H.I.V. - POSITIVE INCARCERATED PERSON WAS  
 (21) (SEE-ATTACH)



NOT QUALIFIED FOR THE FOOD REHABILITATION PROGRAM BECAUSE THE PROGRAM REQUIRED APPLICANTS TO BE FREE OF COMMUNICABLE DISEASES).

(27) "A LAW THROUGH REGULATIONS, THE REGULATIONS, HAVE "CONTROLLING WEIGHT UNLESS THEY ARE ARBITRARY, CAPRICIOUS," OR ARE CLEARLY CONTRARY TO THE LAW AS WRITTEN BY CONGRESS") CLARKSON V. COUGHLIN 898 F. SUPP. 1049, 1050-1051 (S.D.N.Y. 1995) (FINDING THAT TRANSFERRING INCARCERATED PEOPLE FROM FACILITY WITH APPROPRIATE ACCOMMODATIONS EVEN FOR "DISCIPLINARY, SAFETY, AND/OR MEDICAL REASONS" VIOLATES BOTH THE A.D.A. SECTION - 504) SEE (AM-COMP) AT (87-94)

"KPMAN V. N.H. DEPT. OF CORR., 451 F.2d 274, 286-288 (1st Cir. 2006) (HOLDING THAT DENIAL OF ACCESS TO A SHOWER CHAIR, AS WELL AS OTHER NECESSARY ACCOMMODATIONS, TO PROVIDE THE INCARCERATED PERSON WITH DISABILITIES RAISED AN ISSUE OF MATERIAL FACT REGARDING DEFENDANT'S FAILURE TO PROVIDE THE INCARCERATION PERSON WITH REASONABLE ACCOMMODATIONS, AS REQUIRED BY THE A.D.A.); (GRANT V. SCHUMAK, NO. 96-3760, 1998 U.S. APP. LEXIS 16852 AT \*4, 7-8 (7TH CIR. JULY 16, 1998) (UNPUBLISHED) (ALLOWING AN INCARCERATED PERSON WITH PARALYSIS

(22) (SEE ATTACH)



WITH  
 ALL ~~THE~~ A.D.A CLAIM REGARDING LACK OF HAND  
 RAILS IN TOILET AND SHOWER AREA).  
 CLARKSON V. COUGHLIN, 898 F.Supp. 1019, 1034 1042 -  
 1043 (S.D.N.Y. 1995) (HOLDING THAT BY FILING TO  
 PROVIDE QUALIFIED INTERPRETER OR OTHER ASSISTIVE  
 DEVICES NECESSARY FOR MEDICAL & MENTAL  
 HEALTH TREATMENT, THE ~~DEFENDANT~~ DEPARTMENT  
 OF CORRECTIONS AND PRISON OFFICIALS VIOLATED  
 DEAF INCARCERATED PEOPLES 14TH AMENDMENT  
 SUBSTANTIVE DUE PROCESS RIGHT AND CONSTITUT-  
 IONAL RIGHT TO PRIVACY, AND THE 8TH AMENDMENT  
 BAIL ON CRUEL AND UNUSUAL PUNISHMENT.)  
 172. 28 C.F.R. § 35.104 (2020) SEE. E.G. SAUNDERS V.  
 HOWE, 960 F.Supp. 893 901 (E.D.PA. 1997) (FINDING  
 THAT AN INCARCERATED PERSON WITH DEGENERATIVE  
 DISK DISORDER STATED A CLAIM UNDER SECTION  
 504 AND THE A.D.A 28 C.F.R. § 35.108(B)(3)(G)  
 (2020) 28 C.F.R. § 35.108(G) (2020) SEE EXHIBITS B1 LAST 5)  
 PAGES SHOW PROOF OF MULTIPLE HANDICAPPED DOCS  
 SAY THEY OR LOT HANDICAPP ALSO MY DEAF HL-10;  
 HL-20 HAND OF HEARING NO REASONABLE ACCOMMODATIONS  
 IN OVER 14 MONTHS 427 DAYS (28) "HOLIEVER",  
 IN A 2005 ("DECISION") →  
 23) (SEE ATTACH



BY SECOND CIRCUIT (OF APPEALS)

THE NEW YORK DEPARTMENT OF CORRECTIONAL SERVICE ("DOCCS")<sup>211</sup> SAID IT WOULD STOP REQUIRING INCARCERATED PEOPLE TO FILE THEIR A.D.A. CLAIMS, WITH THE DOT BEFORE BRING SUITS IN FEDERAL COURT. <sup>212</sup> ROSARIO V. GOOD, 400 F.3d 108, 109 (2ND CIR. 2005) (PER-CURIAM) (STATING THAT DOCCS DOES NOT INTEND TO CHALLENGE A.D.A. LAWSUIT ON THE GROUND THAT ADMINISTRATIVE REMEDIES HAVE NOT BEEN EXHAUSTED BECAUSE COMPLAINTS WERE NOT FIRST FILED WITH THE DOT) (UNPUBLISHED) PACE V. BOGALUSA CITY SCH. BD., 403 F.3d 272, 277 W. 14 (5TH CIR. 2005); THOMPSON V. COLORADO, 278 F.3d 1020, 1034 (10TH CIR. 2001) (HOLDING THAT TITLE II CANNOT BE FOUND TO BE A PROPORTIONAL & CONGRUENT RESPONSE TO CONSTITUTIONAL VIOLATIONS ~~IDENTIFIED~~ HAS NOT IDENTIFIED A IF CONGRESS OF UNCONSTITUTIONAL → HISTORY & PATTERN BY THE STATES); "THE DISCRIMINATION HAS RULED THAT INDIVIDUAL SECOND CIRCUIT MAY NOT RECEIVED MONEY DAMAGES UNDER MAY NOT RECEIVED THE A.D.A. UNLESS THEY 24) TITLE II OF THE CAN SHOW THAT THE STATE ACTED (SEE-ATTACH) WITH DISCRIMINATORY ANIMUS



OP REL WRT FORWARD THE IS ABLED.  
SEE GARCIA V. STATE UNIV, OF N.Y.

HEATH SCI'S CTR. OF BROOKLYN. 280 F.3d  
98, III (2d Cir. 2001) THE SIXTH CIRCUIT HAS  
ALLOWED MONEY DAMAGES AGAINST THE STATE  
UNDER TITLE II ONLY IF THE DISCRIMINATION  
AMOUNTED TO A VIOLATION OF AN INDIVIDUAL'S  
DUE PROCESS RIGHTS, UNDER THE 14TH AMENDMENT  
FROM (-1-11) HUMAN RIGHT GUARANTEE SINCE UNITED  
STATES V. GEORGIA, A NUMBER OF COURTS HAVE  
ALLOWED INCARCERATED PEOPLE TO SUE FOR  
MONEY DAMAGES WHEN THEY ESTABLISH BOTH  
THAT (1) THE STATE PRISON SYSTEM VIOLATION  
TITLE II OF THE A.D.A AND (2) THE ACTIONS  
OF THE STATE-PRISON SYSTEM VIOLATION INCARCERA  
TION PEOPLE'S 14TH AMENDMENT RIGHTS "DEGRADATION"  
REID V. RICKS 417 F.Supp.2d 403, 411 - 413 →  
(S.D.N.Y. 2006) (RULING THAT AN INCARCERATED  
PERSON COULD BRING A CLAIM FOR MONEY DAMAGES  
AGAINST HIS PRISON SYSTEM FOR CONFISCATING  
HIS HEARING AID: THE PRISON'S ACTIONS  
DESTROYING THE INCARCERATED PERSONS  
NIGHT HAVE VIOLATED THE 8TH AMENDMENT RIGHT TO BE FREE - FROM CRUEL  
UNUSUAL PUNISHMENT) SEE AMENDED-COMPLAINT  
AT PAGES (3) PRELIMINARY STATEMENT  
25) (SEE-ATTACH) PARAG (-1-9) CIVIL ACTIONS  
ARISING UNDER ACT OF



CONGRESS (A)(B)(1)(2) PARAG (9-19) PAGES  
AT PARAG (16-33) AT (6) PAGES (11) AT (18-19)  
(AM COPY) - AT (28-29) (32-33) (37-39) (40)  
43-46) 47) (49) (50-51) (52-55) (57-66)  
(70-72) (74-88) SEE EXHIBITS (A) OF ABOVE  
ACTION TO END SHOW PROOF OF UNLAWFUL ABUSE;  
PATTERNS OF TORTURE... ALSO SEE FEDERAL  
RECORDS OF SAME FEDERAL LAWS VIOLATIONS  
CRICKLOW V. ALKVICI NO. 18 CIV. 3222 (PITH) AND  
CRICKLOW V. FISCHER 15-CV-6252 (EAW) GO BACK  
INTO 2008 ALSO SEE CRICKLOW V. DR. E. YOUSSEF ET AL.  
12-CV-7774 (NSR) (AEK) PLAINTIFF ARGUES  
ITS 15 YEARS OF SAME CRIME IN VIOLATION OF  
18 U.S.C § 1960-1967(G) THE CIVIL PROVISIONS  
OF RICO "CREATED A PRIVATE RIGHT OF ACTION FOR  
INDIVIDUAL TO ENFORCE THE RICO STATUTE" MATHEW V.  
FELDTSTEIN, 303 F. SUPP. 2D 317, 322 (E.D. N.Y. 2004).  
THE CIVIL ENFORCEMENT PROVISION OF RICO PROVIDES  
THAT "ANY PERSON INJURED IN HIS BUSINESS OR  
PROPERTY BY REASON OF A VIOLATION OF [18 U.S.C. §  
1962]... MAY SUE... IN ANY APPROPRIATE  
UNITED STATES DISTRICT COURT AND SHALL  
RECOVER THREEFOLD THE  
26) (SEE ATTACH)



DAMAGES "18 U.S.C. § 1962" IN ORDER TO  
 STATE A VIOLATION OF § 1962, AND THUS, A CIVIL  
 RICO ENFORCEMENT CLAIM, A PLAINTIFF MUST

ALLEGES FACTS SHOWING: "(1) THAT THE DEFENDANT,  
 (2) THROUGH THE COMMISSION OF TWO OR MORE ACTS  
 SEEN PAGES 26 OF PRIOR PAGES SHOW PROOF OF PATTERNED  
 OF A.D.I.A. AND F.R.A. MEDICAL ABUSES FOR 15 YEARS  
 (3) CONSTITUTING A 'PATTERN' PRIOR CIVIL RIGHT ACTIONS  
 PAGES 26 OF THIS ACTION'S (4) OF RACKETEERING  
 ACTIVITY' OTHER FEDERAL LAWS SUITS OR INVEST TABLET  
 AND MY CASES (5) DIRECTLY OR INDIRECTLY INVESTS IN  
 OR MAINTAINS AN INTEREST IN, OR PARTICIPATES,  
 PLAINTIFFS ARGUES ALL OF MY DUE PROCESS HEARING  
 WITH OUT MY REASONABLE ACCOMMODATIONS I JUST  
 HAD A HEARING ON 6.29.22 & 7.11.22 NO  
 HEARING AIDS OR OTHER ACCOMMODATION ALSO (6)  
 DOCCS IS ENTERIST (7) THE ACTIVITIES OF WHICH  
 AFFECT INTERSTATE OR FOREIGN COMMERCE DOCCS  
 HAS 50 OR 67 PRISONS AROUND STATE OF N.J. &  
 SHELL DOCCS ITEMS ON STOCK EXCHANGE "CORCORAN"  
 "MOSS V. MORGAN STANLEY INC 719 F.2d 5, 17  
 (2d Cir. 1983) (QUOTING § 1962(A)-(C)). HE MUST  
 ALSO "ALLEGED THAT HE INJURED IN HIS  
 BUSINESS OR PROPERTY BY REASON OF A  
 27) VIOLATIONS OF SECTION 1962"  
 (SEE ATTACH)



(copying § 8(b)(1)(D) (FEDERAL CRIMINAL STATUTES IN ORIGINAL), TO STATE  
 A CIVIL RICO CONSPIRACY CLAIM UNDER § 1962(d)  
 A PLAINTIFFS MUST ALLEGES FACTS SHOWING THAT THE  
DEFENDANTS "AGREED TO FORM AND ASSOCIATE →  
THEMSELVES WITH A RICO ENTERPRISE AND THAT THEY  
AGREED TO COMMIT TWO PREDICATE ACTS IN  
FURTHERANCE OF A PATTERN OF RACKETEERING ACTIVITY  
IN CONNECTION WITH THE ENTERPRISE," COPACREDIT,  
S.A. v. WINDSOR PLUMBING SUPPLY CO. 187.  
F.3d 229, 244 (2d Cir. 1999)). A PLAINTIFFS MUST  
ALSO SHOW THAT "IF THE AGREED - UPON PREDICATE  
ACTS HAS BEEN CARRIED OUT, THEY WOULD HAVE A  
PATTERN OF RACKETEERING ACTIVITY" Id. AT 244-45.  
SEE # A) B) C) D) ITS SHOW PROOF OF ONGOING EXISTENCING  
PATTERNS OF DOCS POLICYS THAT ALL OF THE POLICYS  
ARE CORRUPTS ; AMENDED - COMPLAINT, PAGES (1-90) & →  
EXHIBITS (A 1-47) MY PRIOR CIVIL RIGHTS ACTIONS  
SHOW PROOFS OF PATTERNING OF RICO CONSPIRACY I  
BEEN IN S.H.U FOR 509 DAYS OR 16 MONTHS  
OF SUFFERING AN ATYPICAL ; SIGNIFICANT →  
HARDSHIPS ; SUFFICIENT TO IMPLICATE A LIBERTY  
INTEREST IM HEARING VOICE SEEING DEAD PEOPLE  
OUT-SIDE IN REC PER IM TALKING TO MY-SELF  
28)(SEE ATTACH) OUT LOUD ; RESPONDING BACK



SEXUAL ABUSE FROM PLS TIME TREATING  
ME LIKE A DOG ON A SHACKLED WITH HANDCUFF  
WAIST CHAINS ; LEG CHAINS ; WITH MY BACK  
; HIP INJURY ; HAND ; FOOT ; I WALK  
WITH A CANE ITS LIKE 1619<sup>ALL</sup> OVER AGAIN  
I GOING CRAZY ; OMH JUST COWER UP.

SEXUAL ABUSE FROM C.O. COOK ; CAUSE TO  
MY CELL ON 6.24.22 ; 7.15.22 WITH  
SAME C.O. COOK C.O. BUSSTETT BOTH GOT  
PREA COMPLAINT AGAINST THEM EVERY  
DAY...

22) PLAINTIFFS ALLEGES SEVERAL MISCONDUCTS  
OR PATTERNED OF DISCRIMINATION BASED ON  
MY HANDICAPPS ; A.D.A ; F.R.A ; DUE PROCESS  
RIGHTS ASSAULTED THE CONTINUING VIOLATIONS  
DOCTRINE APPLIES TO EIGHTH<sup>S</sup> AMENDMENT  
CLAIMS FOR DELIBERATE INDIFFERENCE TO  
SERIOUS MEDICAL NEEDS. SEE SHOMO, 579 F.3d  
AT 182 (THE CONTINUING VIOLATION DOCTRINE  
CAN APPLY WHEN A PRISONER CHALLENGES  
A SERIES OF ACTS THAT TOGETHER COMPRISE  
AN EIGHTH AMENDMENT CLAIM OF  
29) SEE-ATTACKS



OF ~~DELIBERATE~~ INDIFFERENCE TO SERIOUS  
MEDICAL NEEDS" PLAINTIFFS RAISES A NUMBER  
 CLAIMS THAT HE WAS DAILY DEPRIVED  
 ADEQUATE MEDICAL & DENTAL TREATMENT  
 WHICH TAKEN TOGETHER, COULD COMPOSE  
 AN EIGHTH AMENDMENT CLAIM FOR DELIBERATE  
 INDIFFERENCE TO SERIOUS MEDICAL NEEDS.  
 PLAINTIFFS ALSO COMPLAINS OF ONGOING DEPRIVATIONS  
 OF ADEQUATE A.D.A. ACCOMMODATIONS & FOOD & ACCESS  
 TO DRINK WATER TO SHOWER & LAUNDRY & ALL  
 BODY GOT TOXIN RASHING OVER RED SPOT SIZE OF  
 OF MAPS & PRISON OFFICIALS EIGHTH AMENDMENT  
 OBLIGATION REQUIRE THAT THEY "ENSURE"  
 THAT INMATES RECEIVED ADEQUATE FOOD SHELTER,  
 & MEDICAL CARE ... "FARMER V. BRENNAN 511  
 U.S. 825 833 (1994) ALSO SEE FARBSCH V.  
 UNIV. OF MINN 304 F.3d 797 802 (8TH CIR. 2002)  
 (HOLDING THAT MINNESOTA'S SIX-YEARS PERSONAL  
 INJURY STATUTE OF LIMITATIONS SHOULD BE  
 USED FOR REHABILITATION ACT SUITS & SEE E.G.  
 RANDOLPH V. RODGERS, 253 F.3d 342 (8TH CIR. 2001)  
 (NOTING THAT "A PRIVATE PARTY MAY SEEK  
 PROSPECTIVE INJUNCTIVE RELIEF FEDERAL  
 COURT AGAINST A STATE OFFICIAL EVEN IF  
 30) (SEE ATTACH) THE STATE IS OTHERWISE →



"EX PARTE" PUNG, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908) WOLSKY V. MED-

COLL. OF HAMPTON Rd, 1 F.3d 222, 223-224 -  
(4TH CIR. 1993) (HOLDING THAT THE STATUTE OF  
LIMITATION, FOR THE MOST SIMILAR STATE SHOULD  
BE APPLIED TO REHABILITATION ACT SUIT),  
HOWEVER, IN ADDRESSING THE LACK OF UNIFORM-  
ITY AMONG THE STATE AND THE DIFFICULTY  
IN IDENTIFYING THE MOST SIMILAR STATE

STATUTE, CONGRESS ENACTED A FOUR YEARS  
STATUTE OF LIMITATION FOR CASE ~~OF~~ ACTION,  
"ARISING UNDER AN ACT OF CONGRESS ENACTED  
AFTER DECEMBER 1, 1990" 28 U.S.C. § 1658 WHILE  
TITLE II AND SECTION 504 WERE ENACTED  
BEFORE DECEMBER 1990 - POST-1990 AMENDMENTS

HAVE BEEN MADE TO THE STATUTE OF LIMITATION  
TO APPLY FRANK V. CITY OF ARLINGTON, 657  
F.3d 215, 236-237 (5TH CIR. 2011) FOR SECTION  
1658 TO APPLY, YOU MUST DETERMINE WHETHER  
THE POST-1990 ENACTMENT CREATES "A NEW -  
RIGHT" OR LIEK RIGHTS OF ~~THE~~ "PRE-1990  
RIGHT" ~~POSSIBLE~~ ACTION AND CORRESPONDING  
31X (SEE-ATTACH)



LIABILITIES OR IF YOUR CLAIM "WAS  
MADE POSSIBLE BY A POST-1990 ENACTMENT.  
JUNE V. R.R. DONNELLEY & SONS CO., 541 U.S.  
369, 381-382. 124 S. CT 1836, 1844-1845,  
158, L. ED. 2D 645, 656-657 (2004) SEE  
AMEND COMPLAINT AT PAGES 5 PRELIMINARY STATEMENT  
PARA (C-1-9) CIVIL ACTION ARISING UNDER ACT  
OF CONGRESS (A) (B) (182)

PLAINTIFFS ARGUMENTS UNDER THE FALSE CLAIMS  
ACT & BY PLAINTIFFS BEING A FEDERAL WHISTLE-  
BLOWER HAS THE POWER TO SUE COMPANIES OR  
DOCS ON WHICH ALLOWS ON THE GOVERNMENT,  
BEHAF TO RECOVER TAXPAYER FUNDS PAID  
OUT BASED ON FRAUDULENT CLAIMS ALSO SEE  
EXHIBITS FROM PLS# & THE DEPARTMENT MT  
INTERVIEW IN SUCH CASES AFTER AN INVESTIGATION,  
OR OPT AGAINST DOING SO, ALLOWING THE WHISTLE-  
BLOWER TO PURSUE THE CASE. WHISTLEBLOWER  
ARE ENTITLED TO A CUT OF ANY RECOVERY  
SEE U.S. EX REL. BORZILLERI V. BAYER HEALTHCARE  
PHARMACEUTICALS INC. 1ST, U.S. CIRCUIT COURT  
OF APPEALS NO. 20-1066. PLAINTIFFS ARGUES  
MOGELL V. DEPARTMENT OF SOCIAL SERVICE  
OF CITY OF N.Y. JUNE 6, 1978  
 32) SEE ATTACH



431 45 58 98 55 2018 \*1901 117[2]  
[3774] OUR ANALYSTS OF THE LEGISLATIVE  
HISTORY OF THE CIVIL RIGHTS ACT OF 1871 →

CONDENS THE CONCLUSION THAT CONGRESS DID  
INTEND MUNICIPALITIES ; OTHER LOCAL GOVERNMENT  
UNITS TO BE INCLUDED AMONG THOSE PERSONS TO  
WHOM §1983 APPLIES BY LOCAL GOVERNMENT ~~PERSONS~~  
BODIES, SS THEREFORE, CAN BE SUED DIRECTLY  
UNDER §1983 FOR MONETARY, DECLARATORY, OR  
INJUNCTIVE RELIEF WHERE, AS HERE THE  
ACTION THAT IS ALLEGED TO BE UNCONSTITUTIONAL  
IMPLEMENT, \*\*\*2036 OR EXECUTES A POLICY →  
STATEMENTS, ORDINANCES, REGULATIONS, OR DECISIONS  
OFFICIALLY ADOPTED ; PROMULGATED BY THAT BODY  
OFFICERS, MOREOVER, ALTHOUGH THE TOUCHSTONE OF  
THE §1983 ACTION AGAINST A GOVERNMENT BODY  
IS AN ALLEGATION THAT OFFICIAL POLICY IS RESPONSIBLE  
FOR A DEPRIVATION OF RIGHTS PROTECTED BY  
THE CONSTITUTION, LOCAL GOVERNMENTS, LIKE EVERY  
OTHER §1983 "PERSON", BY THE VERY TERMS OF  
THE STATUTE, MAY BE SUED FOR FOR CONSTITUTIONAL  
§691 DEPRIVATION VISITED PURSUANT TO GOVERNMENT  
"CUSTOM" EVEN THOUGH SUCH CUSTOM HAS NOT  
RECEIVED FORMAL APPROVAL THROUGH THE  
BODY'S OFFICIAL DECISION MAKING CHANNELS.



MR JUSTICE HARLAN, WRITING FOR THE →  
COURT, SAID IN ADICKS V. S.H. KRESS & CO.,  
398 U.S. 144, 167-168, 90 S.Ct. 1598, 1673, 26,  
1 Ed. 2d 142. (1970) 18 U.S.C.A. 242 CURRENTNESS  
PARAG (1-13) SEE & 242 DEPRIVATION OF RIGHTS  
UNDER COLOR OF LAW "RICCIUTI V. N.Y.C. →  
TRANSIT AUTH 124 F.3d 123, 130 (2d Cir. 199),

FAIR TRIAL

PLAINTIFFS ARGUMENTS COME CROSS HEVILY  
DISCOVERY EVIDENCE ; IT WILL INTERESTS. THE  
COURT ; OPEN DOOR FOR NEW ISSUES NEVER  
LITIGATIONS BY PRISONERS BEFORE ; IS VERY REVEALED  
TO FUTURE PROCESS OF THIS ACTION ....  
SEE "COLLETT'S V. ST. LUKES ROOSEVELT HOSP →  
S. D. N.Y. Feb. 26. 2001) 132 F. Supp.2d 256 144  
LAB. CAS P. 59, 137 17 IER CASE NO 6 AT \*259 11.  
PRIOR PROCESSING PARAG (8-10) THE RETALIATION  
CLAIM WAS BASED SOLELY ON PLAINTIFFS "DISCLOSURE  
OF UNLAWFUL ACTIONS TO THE AMERICAN COUNCIL  
FOR CONTINUING EDUCATION" (ID. EX 211 13-19).  
LEGAL BASIS OF THE CLAIM WAS NEW YORK →  
WHISTLEBLOWER ACT, WHICH PROVIDED IN PERTINENT  
PART. (2) (A) DISCLOSE, ON THREATS, TO  
DISCLOSE TO A SUPERVISOR ONTO A PUBLIC  
348 SEE ATTACH BODY AN ACTIVITY POLICY OR



VIOLATION OF LAW, RULE, OR REGULATION THAT IS IN VIOLATION CREATES & PRESENTS A SUBSTANTIAL & SPECIFIC DANGER TO THE PUBLIC HEALTH OR SAFETY...

PLAINTIFFS ARGUES DOCS PATTERNING OF DISCRIMINATIONS, AT ALL DOCS PRISONS & AS WELL AS ADMIRAL C.F. GOVERNOR C.F. & SOUTHPORT & DOWNSTATE C.F. ARE NOT PART OF THE REASONABLE ACCOMMODATION & E.C.F. ALL VIOLATIONS OF "CLARKSON V. GOORD, 91 CIV. 1792 (RWB) IS A CLASS ACTION LAWSUIT THAT OPEN DOOR FOR ALL HANDICAPPED & ITS WAS BROUGHT ON BEHAIF OF PRISONERS, WHO ARE DEAF & HARD OF HEARING & VISION IMPAIRMENTS ALSO CONCERNING THE PROVISION OF REASONABLE ACCOMMODATION TO THESE PRISONERS & FUTURE PRISONERS & PLAINTIFFS CLASS AND THE DEFENDANTS (PRISON OFFICIALS) WERE ABLE TO REACH AN AGREEMENT IN THIS CASE... WHICH THE COURT ORDERED ON JUNE 6, 1996. IN THE CLARKSON CONSENT JUDGMENT, THE COURT ORDERED DOCS TO PROVIDE REASONABLE ACCOMMODATION TO DEAF AND HARD OF HEARING PRISONERS IN ALL OF ITS PRISONS AS "REQUIRED BY TWO FEDERAL LAWS. THE AMERICANS WITH DISABILITIES ACT AND THE REHABILITATION ACT."

SEE →



"SPECIAL REPORTS EXHIBITS (S) SHOW PROOF  
THAT DOCS DONT FOLLOW FEDERAL COURTS  
ORDERS" AT DKT 378 PAGES (19-20-21)

SEE# ABU DHABI COMMERCIAL BANK  
V. MORGAN STANLEY & CO. INC U.S.D.C./S.D.N.Y.  
SEPT. 2, 2009) 651 F. SUPP. 2D 155 FED. SEC. L.  
REP. P. 95, 342 AT [18] [19] [20] \*173 →

"BREACH OF CONTRACT [21] [22] [23] 2-  
THIRD-PARTY BENEFICIARY NEW YORK  
LAW REQUIRES THAT PLAINTIFFS ALLEGING  
THAT THEY ARE THIRD PARTY BENEFICIARIES  
TO A CONTRACT "ESTABLISH THAT THE PARTIES  
TO THE CONTRACT INTENDED TO CONFER A-  
BENEFIT ON THE THIRD-PARTY" 101 THE NEW  
YORK COURT OF APPEALS HAS DECLARED SECTION  
302 OF THE RESTATEMENT (2D) OF CONTRACTS  
TO BE AN ACCURATE STATEMENT OF NEW YORK

THIRD-PARTY BENEFICIARY LAW 102...  
PLAINTIFFS ARGUMENTS AS RELIEFS \$1,000,000. ALSO PROOF  
OF PATTERN OF DECEPTIVE ACTS & ALL PROGRAMS  
ARE SAME PRACTICES & GHOSTS PROGRAMS NO-BODY  
IN CLASS ROOM BUT EVERYBODY GET PAYS IS UNLAWFUL  
& BREACH OF THE WARRANT AGREEMENTS TO GET  
FEDERAL FUNDS FOR SERVICE THEY NOT PROVIDED,  
IN ALL AREA OF PROGRAMS) SEE →  
36) (SEE ATTACH)



UNDER BOTH A.D.A. ; F.R.A ; DEVELOP-  
MENTAL DISABILITIES ACT 1978 ITS BEEN  
15 YEARS ; I CANT SEE M.D. OF OMH FOR  
MY MENTAL ILLNESS ONLY WHEN I TRY TO  
KILL MY-SELF ; ARIOWACK C.F. DONT HAVE  
NO OMH DR. AS RELIEFS TRANSFERRED  
TO HANDICAPP PRISONERS IN PLACEMENT ON  
MENTAL ; PHYSICAL UNABLE TO PROGRAMS  
LIKE Sing-Sing C.F. GET VAN SERVICE ONLY  
MAX. WITH VAN FOR PRISONER WITH ALL MY  
HANDICAPP ALSO OHM DR. OR FLAT PRISONERS  
SHAWANGUNK C.F OR FIVE POINT C.F.  
I CANT GO BACK TO EASTERN C.F. OR  
SULLIVAN C.F. BOTH ARE DEFENDANTS IN  
2-CIVIL RIGHTS THE CLARKSON CLASS ACTION  
IS 32 YEARS OLD WHY IS DOCS KEEP BREAKING  
A FEDERAL'S AGREEMENT ; STATE OF N.Y.  
PUBLIC HEALTH LAW HUMAN RIGHT LAW. →  
PLAINTIFFS STILL DONT HAVE ACCOMMODATION  
F.R.A. PROGRAMS IS FRAUD PROGRAM CAUSE  
ITS DISCRIMINATION AGAINST  
37X (SEE-ATTACH)



PRISONER STATEMENTS UNDER THIS PROGRAM  
IS A FRAUD PRISONER DONT GET PAY FOR  
ITS PLAINTIFFS ARGUE HE IS PARTY THIRD

MEMBERS OF A CONTRACT THAT DOCCS MADE WITH  
STATE OF NEW YORK & FEDERAL GOVERNMENT  
I WILL BE BLOKIER WHISTLE TO CONGRESS  
& LEGISLATIVE INTO I RECEIVED ALL OF MY  
VISION IMPAIRMENT & DEAF & HARD OF HEARING

INTO ALL CONTRACT ARE FOLLOW & ENFORCEMENT  
(24)

MOREOVER, AS THE SECOND CIRCUIT RECOGNIZED IN  
IQBAL V. HASTI, 490 F.3d 143, 170 (2d Cir. 2007)

PLAINTIFFS ALLEGATION THAT DEFENDANT KNEW OF  
AND DISREGARDED CONDITIONS POSING AN EXCESSIVE  
RISK TO HIS HEALTH AND SAFETY, AND FAILED  
TO TAKE ANY ACTION TO RECTIFY THOSE CONDITIONS,  
ARE ALSO SUFFICIENT TO SATISFY THE STANDARD

FOR SUPERVISORY LIABILITY AT THE PLEADING STAGE,  
AS THE COURT NOTED, "IT THE PLAUSIBILITY  
STANDARD REQUIRES NO SUBSIDIARY FACTS AT THE

PLEADING STAGE TO SUPPORT AN ALLEGATION OF DEFENDANT'S  
KNOWLEDGE BECAUSE IT IS AT LEAST PLAUSIBLE

THAT A WARDEN WOULD KNOW OF MISTREATMENTS  
INFLECTED BY THOSE UNDER HIS COMMAND.

WHETHER SUCH KNOWLEDGE CAN BE PROVEN  
MUST AWAIT FURTHER PROCEEDINGS"  
38) SEE-ATTACH) ID. THEREFORE THIS COURT



MUST ALSO REJECT THE INDIVIDUAL DEFENDANTS  
MOTION FOR A DISMISSAL AS PREMATURE SINCE  
THE AMENDED COMPLAINT ADEQUATELY STATES A  
CLAIM FOR SUPERVISORY LIABILITY AGAINST THEM.

ALSO PLAINTIFFS ARGUES I BEEN UNDER IMMEDIATE  
DANGER FOR YEARS SEE EXHIBITS (A)(B)(C)(D)

PLAINTIFFS ARGUES UNDER IMMEDIATE DANGER  
MEET REQUIREMENTS OF ONGOING PRISON'S CONDITIONS  
OF BOTH "MAGISTRATES ACT" & MCCARTHY OR SEE #

412 U.S.C.A § 1997(e) SUITS BY PRISONER AT (E)

LIMITATION ON RECOVERY "NO FEDERAL CIVIL ACTION  
MAY BE BROUGHT BY A PRISONER CONFINED IN A JAIL,  
PRISONS, OR OTHER CORRECTIONAL FACILITY, FOR MENTAL  
OR EMOTIONAL INJURY SUFFERED WHILE IN CUSTODY  
WITHOUT A PRIOR SHOWING OF PHYSICAL INJURY

OR THE COMMISSION OF A SEXUAL ACT (AS DEFINED  
IN SECTION 2246 OF TITLE 18) (F) HEARING (1)

TO THE EXTENT PRACTICABLE, IN ANY ACTION

BROUGHT WITH RESPECT TO PRISON CONDITIONS IN  
FEDERAL COURT PURSUANT TO SECTION 1983 OF THIS

TITLE, OR ANY OTHER FEDERAL LAW, BY A PRISONER  
CONFINED IN ANY JAIL, PRISONS, OR OTHER

39) SEE ATTACH



ORAL PRETRIAL PROCEEDING IN WHICH THE PRISONER'S PARTICIPATION IS REQUIRED OR PERMITTED SHALL BE CONDUCTED BY TELEPHONE, VIDEO-CONFERENCE, OR OTHER TELECOMMUNICATIONS TECHNOLOGY WITHOUT REMOVING THE PRISONER FROM THE FACILITY IN WHICH THE PRISONER IS CONFINED.

(2) SUBJECT TO THE AGREEMENT OF THE OFFICIAL OF THE FEDERAL, STATE, OR LOCAL UNIT OF GOVERNMENT WITH CUSTODY OVER THE PRISONER, HEARINGS MAY BE CONDUCTED AT THE FACILITY IN WHICH THE PRISONER IS CONFINED. TO THE EXTENT PRACTICABLE, THE COURT SHALL ALLOW COUNSEL TO PARTICIPATE BY TELEPHONE, VIDEO-CONFERENCE, OR OTHER COMMUNICATIONS TECHNOLOGY IN ANY HEARING HELD AT THE FACILITY. (3) WAIVER OF REPLY

(4) "PRISONER" DEFINED AS USED IN THIS SECTION, THE TERM "PRISONER" MEANS ANY PERSON INCARCERATED OR DETAINED IN ANY FACILITY WHO IS ACCUSED OF, CONVICTED OF, SENTENCED FOR, OR ADJUDICATED DELINQUENT FOR, VIOLATIONS OF CRIMINAL LAW OR THE TERMS AND CONDITION OF PAROLE, PROBATION, PRETRIAL RELEASE OR DIVERSIONARY PROGRAMS. ALSO P-LAWYERS ABOVE THAT "THE SPECIAL CIRCUMSTANCES"

40 (SEE ATTACH) SEC GLAND V. COORD



380 F.3d. 670 (Aug. 18, 2004)  
PLAINTIFFS ABOVE THAT  
UNDER IMMEDIATE DANGER ARE SPECIAL  
CIRCUMSTANCES" § 1983 CODE 49 GRIEVANCES ARE

FULLY EXHAUSTION WHICH IS SEXUAL ABUSES ASSAULTED  
ASSAULTED, HARASSMENT, RETALIATIONS ABUSE OF AUTHORITY,  
SERIOUS UNPROFESSIONAL ALL CODE 49  
§ THEY GO RIGHT TO WARDEN OR O.S.I OR I.G.  
§ YOU'LL NEVER GET A RESPONSE BACK § PLAINTIFF  
WAS TRANSFERRED, IN 1 YEARS TO 4 DIFFERENT  
DOCS PRISONS AND TO COVER UP ALL ABUSE AT  
ALL FOUR PRISONS ITS IN MY FEDERAL CASES I  
REPORTED IT TO ALL OF MY JUDGES IN U.S.D.C.

PLAINTIFFS INJURY ARE SEVERE ENOUGH TO SUPPORT  
A CLAIM FOR COMPENSATORY DAMAGES FOR PSYCHOLOGICAL  
AND EMOTIONAL INJURY. ITS ALSO BEING NOTING THAT  
THE "PLRA" PHYSICAL INJURY REQUIREMENT DOES NOT  
BAR THIS LITIGATION FROM PROCEEDING. ITS SIMPLY  
LIMIT THE AVAILABILITY OF ONE TYPE OF  
DAMAGES. AS THE SECOND CIRCUIT HAS EXPLAINED.  
"BECAUSE SECTION 1997e(e) IS A LIMITATION ON RECOVERY  
OF DAMAGES FOR MENTAL AND EMOTIONAL INJURY IN THE  
ABSENCE OF A SHOWING OF PHYSICAL  
INJURY, IT DOES NOT



RESTRICTED PLAINTIFF'S ABILITY TO RECOVER  
COMPENSATORY DAMAGES FOR ACTUAL INJURY,  
NOMINAL OR PUNITIVE DAMAGES, OR  
INJUNCTIVE OR DECLARATORY RELIEF" THOMPSON v.  
CARTER, 204 F.3d 411, 416 (2d CIR. 2002). THIS IN  
PLAINTIFF'S CASE, HE COULD STILL SEEK DAMAGES FOR ACTUAL  
INJURY, ~~TO HIS FACE, TAXI HAND~~  
BACK WHOLE BACKS HIP & FEET INJURY & DENTAL FULL  
CASES & SUCH AS COSTS OF CORRECTIVES, SURGERY,  
TO ADDRESS A LOT OF SCANNING & DISFIGUREMENTS.  
AS ALREADY NOTED ABOVE PLAINTIFF WOULD ALSO STILL  
BE ENTITLED TO NOMINAL DAMAGES BY MERE  
VIRTUE OF THE CONSTITUTIONAL VIOLATION. EITHER WAY,  
PLAINTIFF IS ENTITLED TO HIS DAY IN COURT  
AND THE DETERMINATION OF WHAT SORT OF  
RELIEF HE SHOULD BE AWARDED IS PREMATURE ON  
A MOTION TO DISMISS & RAISES ISSUES OF FACT  
WHICH ARE PROPERLY RESERVED FOR A TRIAL.

### CONCLUSION

FOR ALL OF THE FOREGOING REASONS PLAINTIFF  
RESPECTFULLY REQUESTS THAT THIS COURT ISSUE  
AN ORDER DENYING DEFENDANT MOTION TO DISMISS  
AND ORDERING DISCOVERY TO  
PROCEED IN THIS ACTION.

42) (SEE ATTACH)



CERTIFICATE OF SERVICE

I CERTIFY THAT ON JULY 17, 22, FILED THE FORGOING DECLARATION OF BEHALF MY-SELF PRO-SEC MOTIONS & EXHIBITS A1 B1 C1 WITH DOCS R. R. V. STAFFS / S. H. V. MAIL SYSTEM, WHICH IS PART 2 OF MY-RESPONSE TO SUCH FILING TO THE FOLLOWING:

AND, I HEREBY CERTIFY THAT I HAVE MAILED, BY THE UNITED STATES POSTAL SERVICE, A-COPY OF THE DOCUMENTS TO THE FOLLOWING PARTICIPANTS / ALSO I DON'T HAVE ACCESS TO MAKE COPY OF MOTIONS FOR MYSELF (CASE OF C.O.D.) C. D. BROKEN GRIEVANCE ADK. 0057-22

(1) TO PROSEC CHIEF DEPT CLERK D. R. MCALLISTER  
JAMES M. HALLER FEDERAL BUILDING P.O. BOX - 7367  
100 S. CLINTON ST SYRACUSE, N.Y. 13621-7367

(2) STATE OF NEW YORK  
ASSISTANT ATTORNEY GENERAL  
JONATHAN S. REVER

THE CAPITAL  
ALBANY, N.Y. 12224

C.C.

MR. KEVIN D. CRICALONE  
88A 3511 / SHU-8 CELL  
ADJ. PROSEC. G. F. P.O. BOX. 110  
RAY. BROOK, N.Y. 12977-0110

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